

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-cv-148-RJC
(3:06-cr-421-RJC-1)**

SHERWOOD DALE ALEX,)	
)	
Petitioner,)	
)	
vs.)	ORDER
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
)	

UPON MOTION of Petitioner, (Doc. No. 3), to hold this action in abeyance pending resolution by the Fourth Circuit Court of Appeals of the following cases: United States v. Warner, No. 15-4316 (argued Jan. 28, 2016), United States v. Gardner, No. 14-4533 (argued Mar. 24, 2016), and United States v. Billups, No. 14-4959 (argued Mar. 24, 2016),

IT IS HEREBY ORDERED that the Motion to Stay, (Doc. No. 3), is **GRANTED**. The United States shall file its response to Petitioner's motion to vacate within 45 days of the Fourth Circuit's resolution of the issue raised in the above cases: whether North Carolina common law robbery counts as a predicate offense under the Armed Career Criminal Act following the United States Supreme Court's decision in Johnson v. United States, 135 S. Ct. 2551 (2015).

Signed: April 11, 2016


Robert J. Conrad, Jr.
United States District Judge

